

# Senate Journal

## First Regular Session of the Fifty-third Legislature of the State of Oklahoma

**Twenty-third Legislative Day, Monday, March 21, 2011**

The Senate was called to order by Senator Stanislawski.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick.—42.

Excused: Adelson, Brinkley, Johnson (C), Laster, Mazzei and Rice.—6.

Senator Stanislawski declared a quorum present.

The prayer was offered by Dr. Michelle K. T. Moulden, Vernon African Methodist Episcopal Church, Tulsa, the guest of Senator Eason McIntyre.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 56, 146, 171, 218, 259, 269, 314, 324, 333, 336, 350, 433, 446, 492, 605, 610, 637, 683, 700, 727, 731, 757, 789, 828, 891, 908, 919, 921 and 969 and SJRs 5, 16 and 25** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Ford asked unanimous consent to refer **HCR 1003** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1003** by Martin (Steve) of the House and Ford of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1003**, which was the order.

**HCR 1003** was adopted upon motion of Senator Ford and properly signed and ordered returned to the Honorable House.

**PENDING CONSIDERATION OF JCR**

The **JCR** on **HB 2169** was adopted upon motion of Senator Jolley.

**HB 2169** was read at length.

On the question of passage of the bill the vote resulted as follows:

Aye: Aldridge, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Ivester, Johnson (R), Jolley, Justice, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Simpson, Sparks, Stanislawski and Wilson.--32.

Nay: Anderson, Brecheen, Brown, Crain, Holt, Shortey, Sykes and Treat.--8.

Excused: Adelson, Brinkley, Johnson (C), Laster, Mazzei, Rice, Russell and Wyrick.--8.

The bill passed.

Senators Crain, Brecheen, Treat and Holt desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 36; Nay: 4; Excused: 8.

The emergency passed.

**HB 2169**, together with the joint committee report thereon, was ordered returned to the Honorable House.

## **EXECUTIVE NOMINATIONS**

The following executive nominations were read and referred to committee as indicated:

Coffee, Glenn, Oklahoma City, as the Cabinet Secretary of State - General Government

Coffee, V. Glenn, Oklahoma City, as the Secretary of State - General Government

Doerflinger, Preston L., Tulsa, as the Director of the Office of State Finance - Finance

Doerflinger, Preston L., Tulsa, as the Cabinet Secretary of Finance and Revenue - Finance

Ford, Danny, Lawton, as a member of the Oklahoma State Bureau of Investigation Commission - Judiciary

Jackson, Oscar B. Jr., Norman, as the Cabinet Secretary of Human Resources and Administration - General Government

Jackson, Oscar B. Jr., Norman, as the Administrator of the Office of Personnel Management - General Government

McKeever, Stephen W. S., Stillwater, as of the Cabinet Secretary of Science and Technology - Energy

Ming, C. Michael, Edmond, as the Cabinet Secretary of Energy - Energy

Pettit, Alex Z., Edmond, as the Cabinet Secretary of Information Technology and Telecommunications - Energy

Sherrer, Gary, Stillwater, as the Cabinet Secretary of the Environment - Energy

Thompson, Michael, Edmond, as the Cabinet Secretary of Safety and Security - Public Safety

## **MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed measures:

### **SJR 45**

**SCR 9** – coauthored by Sullivan (principal House author)

The above-numbered measures were referred for enrollment.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1058, 1060, 1061, 1062, 1075, 1079, 1088, 1194, 1202, 1208, 1218, 1223, 1243, 1255, 1269, 1296, 1304, 1319, 1327, 1343, 1350, 1354, 1364, 1388, 1391, 1398, 1414, 1415, 1439, 1442, 1471, 1475, 1488, 1495, 1507, 1511, 1550, 1604, 1615, 1744, 1776, 1797, 1831 and 2128** and **HJRs 1002 and 1020**.

**HB 1058** – By Key, Murphey, Dorman, Proctor, Cooksey and Ritze of the House and Reynolds of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Section 1-108, as last amended by Section 6, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2010, Section 1-108), which relates to formation of political parties; modifying requirements for formation of a recognized political party; and providing an effective date.

**HB 1060** – By Sanders, Murphey, Roberts (Dustin) and Walker of the House and Marlatt of the Senate.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 662, as last amended by Section 9, Chapter 256, O.S.L. 2010 (69 O.S. Supp. 2010, Section 662), which relates to county-built bridges; modifying provision dealing with bridge standards; providing an effective date; and declaring an emergency.

**HB 1061** – By Sanders of the House and Shortey of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 12-227, as last amended by Section 3, Chapter 39, O.S.L. 2010 and 12-229, as last amended by Section 4, Chapter 39, O.S.L. 2010 (47 O.S. Supp. 2010, Sections 12-227 and 12-229), which relate to lights on vehicles; adding statutory references; authorizing use of rear facing flashing red and blue lights on certain vehicles; and providing an effective date.

**HB 1062** – By Roberts (Dustin) and Hardin of the House and Brecheen of the Senate.

An Act relating to state government; allowing legislators to opt out of state-provided health insurance benefits; specifying that any savings remain with the state; requiring certain affidavit; amending 74 O.S. 2001, Section 1370, as last amended by Section 2, Chapter 28, O.S.L. 2009 (74 O.S. Supp. 2010, Section 1370), which relates to the flexible benefit allowance plan; prohibiting the receipt of certain flexible benefits by legislators opting out of coverage; amending 74 O.S. 2001, Section 1371, as last amended by Section 6, Chapter 269, O.S.L. 2007 (74 O.S. Supp. 2010, Section 1371), which relates to the election of certain benefits; prohibiting the receipt of certain benefits by certain legislators; providing exceptions; providing for codification; and providing an effective date.

**HB 1075** – By Newell of the House and Jolley of the Senate.

An Act relating to public construction contracts; amending 61 O.S. 2001, Section 113.1, as amended by Section 19, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2010, Section 113.1), which relates to partial payment and retainage; modifying requirements related to retainage; modifying provisions related to reduction of retained amounts; and providing an effective date.

**HB 1079** – By Martin (Scott) and Sears of the House and Jolley of the Senate.

An Act relating to utilities; creating the Electric Utility Data Protection Act; stating findings; stating purpose; defining terms; establishing duty with respect to usage data by an electric utility; authorizing certain use of customer-identifiable usage data; requiring an electric utility to provide standard usage data to a customer; allowing an electric utility to provide nonstandard usage data to a customer; authorizing a reasonable fee; authorizing disclosure of customer information to affiliates and certain third parties; specifying circumstances for the release of customer information to certain third parties; providing for the use of aggregate usage data by an electric utility; authorizing the disclosure of aggregate usage data to a third party for certain purposes; setting certain restrictions for the disclosure of aggregate usage data; providing for codification; and providing an effective date.

**HB 1088** – By Grau of the House and Holt of the Senate.

An Act relating to corporations; amending 18 O.S. 2001, Sections 2001 and 2008, as amended by Sections 16 and 21, Chapter 253, O.S.L. 2008 (18 O.S. Supp, 2010, Sections 2001 and 2008), which relate to the Oklahoma Limited Liability Company Act; defining term; modifying restrictions of company name; permitting low-profit limited liability companies; requiring certain steps to qualify as low-profit limited liability company; stating consequences of not qualifying; describing failure to qualify; requiring company to change name and amend articles of organization; allowing exception when company produces significant income; providing for codification; and providing an effective date.

**HB 1194** – By McDaniel (Jeannie) of the House and Anderson of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7504-1.1, which relates to certain history report requirements; specifying the Department of Human Services shall prescribe and furnish certain forms; and providing an effective date.

**HB 1202** – By Inman of the House and Aldridge of the Senate.

An Act relating to securities; amending 71 O.S. 2001, Section 803, which relates to the Oklahoma Business Opportunity Sales Act; modifying provision related to certain exemption; modifying provision related to certain notice period; and providing an effective date.

**HB 1208** – By Martin (Scott), Murphey and Moore of the House and Jolley of the Senate.

An Act relating to state government; authorizing Governor to appoint or replace certain positions; providing exceptions; providing for codification; and providing an effective date.

**HB 1218** – By Kirby of the House and Treat of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 1505, as last amended by Section 1, Chapter 273, O.S.L. 2004 (10 O.S. Supp. 2010, Section 1505), which relates to juvenile officers; removing exception for counties with Juvenile Bureaus; and providing an effective date.

**HB 1223** – By McCullough of the House and Sykes of the Senate.

An Act relating to state government; enacting the Legal Services Reform Act; amending 74 O.S. 2001, Section 18c, as last amended by Section 1, Chapter 55, O.S.L. 2010 (74 O.S. Supp. 2010, Section 18c), which relates to employment of attorneys; prohibiting entities from hiring private attorneys unless certain procedures are met; removing excepted agencies; allowing entities to employ general counsels and attorneys as provided by statute; amending 74 O.S. 2001, Section 20i, which relates to legal representation for agency or official; allowing Attorney General to use good cause to determine when private attorneys shall be retained; requiring request for proposal process for retention of certain legal services; requiring Internet website to contain conspicuous statement; requiring agency to maintain list of persons and entities receiving requests for proposals; mandating agencies provide Internet website access to request for proposals; prescribing period of time to maintain access; requiring website to contain certain information; imposing requirement with respect to documents accessible through website; requiring certain statement from retained outside counsel at conclusion of legal proceeding; providing maximum amount of fees and expenses to be incurred; providing for reduction in fee; providing that act does not expand authority of state agency or state officer; providing for discretion in the request for proposal process; amending 74 O.S. 2001, Section 85.3A, as last amended by Section 1, Chapter 66, O.S.L. 2010 (74 O.S. Supp. 2010, Section 85.3A), which relates to The Oklahoma Central Purchasing Act; providing for exemption; providing for codification; and providing an effective date.

**HB 1243** – By McDaniel (Randy) of the House and Brown of the Senate.

( Insurance Department – amending various sections in Title 36 – Oklahoma Producer Licensing Act - Insurance Adjusters Licensing Act - amending various sections in Title 59 - bail bondsmen - repealing 36 O.S., Section 1435.7A - effective date – emergency )

**HB 1255** – By Rousselot, Derby and Kern of the House and David of the Senate.

An Act relating to crimes and punishments; authorizing United States Attorneys and Assistant United States Attorneys to carry firearm under certain circumstances; providing for codification; and providing an effective date.

**HB 1269** – By Coody and Kern of the House and Jolley of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508B, as last amended by Section 9, Chapter 456, O.S.L. 2009 (70 O.S. Supp. 2010, Section 1210.508B), which relates to the Reading Sufficiency Act; requiring all reading instruction in certain grades to include certain elements of instruction; and listing elements.

**HB 1296** – By Derby, Roberts (Sean) and Faught of the House and Sykes of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 21-103, as last amended by Section 2, Chapter 2, O.S.L. 2010 (11 O.S. Supp. 2010, Section 21-103), which relates to annexation procedures; removing exceptions from consent requirement; repealing 11 O.S. 2001, Section 21-104, as last amended by Section 1, Chapter 188, O.S.L. 2010 (11 O.S. Supp. 2010, Section 21-104), which relates to annexation procedures; and providing an effective date.

**HB 1304** – By Derby of the House and Jolley and Brinkley of the Senate.

An Act relating to technology; providing for the transfer of all state agency information technology assets to the Information Services Division of the Office of State Finance; describing types of assets; providing for the transfer of certain state agency information technology employees to the Information Services Division of the Office of State Finance; including certain liabilities; stating legislative intent to retain certain pay and benefits; requiring certain conveyances and documents to be executed by a certain date; providing for the transfer of certain monies; requiring the State Auditor and Inspector to determine amount of certain funds to be transferred; providing for the succession of certain rights to the Information Services Division of the Office of State Finance; providing for nonapplicability of transfer requirements to nonappropriated agencies; defining certain terms; requiring state agencies to use certain information technology services and systems, programs, services, software and processes; providing for enforcement; prohibiting the expenditure or encumbrance of any funds by state agencies for the procurement of certain technologies and services for certain time period; allowing exceptions by the Chief Information Officer; prohibiting state agencies from initiating or implementing certain information technology planned projects; allowing exceptions by the Chief Information Officer; specifying planned projects; defining term; providing for codification; and providing for noncodification.

**HB 1319** – By Wright, Farley, Reynolds and Ritze of the House and Sykes of the Senate.

An Act relating to driving under the influence; enacting the Mark McGee Act of 2011; amending 21 O.S. 2001, Section 852.1, as last amended by Section 122, Chapter 234, O.S.L. 2009 (21 O.S. Supp. 2010, Section 852.1), which relates to child endangerment; providing for the prosecution of persons under specified statutes; amending 47 O.S. 2001, Section 11-902, as last amended by Section 3, Chapter 310, O.S.L. 2009 (47 O.S. Supp. 2010, Section 11-902), which relates to penalties for driving under the influence of alcohol; clarifying scope of certain prohibited acts; modifying and adding statutory references; modifying penalties; clarifying evaluation and assessment program requirements; providing for noncodification; and providing an effective date.

**HB 1327** – By Pruett of the House and Lerblance of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 16-8, as amended by Section 3, Chapter 195, O.S.L. 2007 (2 O.S. Supp. 2010, Section 16-8), which relates to the Oklahoma Forestry Code; modifying power, authority and duties of the Forestry Division; authorizing recovery of costs for burning; granting immunity from personal liability; and providing an effective date.

**HB 1343** – By Proctor, Derby, Kern, Hoskin, Tibbs and Ritze of the House and Ivester of the Senate.

An Act relating to higher education; amending 70 O.S. 2001, Sections 2603, as last amended by Section 32, Chapter 2, O.S.L. 2009, 2604, as last amended by Section 2, Chapter 437, O.S.L. 2009 and 2605, as last amended by Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp. 2010, Sections 2603, 2604 and 2605), which relate to the Oklahoma Higher Learning Access Act; making certain students eligible to participate in the

Oklahoma Higher Learning Access Program; specifying eligibility criteria; exempting certain students from certain eligibility requirements; modifying extension of program benefits for certain students; adding certain students to participation agreement requirements; allowing certain students to enter into participation by executing certain agreement; exempting certain students from certain income eligibility requirements; providing an effective date; and declaring an emergency.

**HB 1350** – By Blackwell of the House and Johnson (Rob) of the Senate.

An Act relating to sex offenders; amending 10 O.S. 2001, Sections 7308-1.2, as amended by Section 1, Chapter 164, O.S.L. 2002, 7308-1.3, as last amended by Section 103, Chapter 234, O.S.L. 2009, 7308-1.5, as last amended by Section 105, Chapter 234, O.S.L. 2009, 7308-1.8 and 7308-1.9, as amended by Section 5, Chapter 164, O.S.L. 2002, and as renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2010, Sections 2-8-102, 2-8-103, 2-8-105, 2-8-107 and 2-8-108), which relate to the Juvenile Sex Offenders Registration Act; modifying definition; directing Office of Juvenile Affairs to register juvenile sex offenders pursuant to the Sex Offenders Registration Act; making certain information confidential; deleting juvenile sex offender registry procedures; providing procedures for registering juvenile sex offenders; modifying notice provisions; deleting certain unlawful act; reducing certain age limitation; modifying transfer procedures for adult registration requirements; amending 57 O.S. 2001, Sections 582, as last amended by Section 25, Chapter 2, O.S.L. 2010, 583, as last amended by Section 5, Chapter 404, O.S.L. 2009, 584, as last amended by Section 1, Chapter 407, O.S.L. 2010 and Section 8, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2010, Sections 582, 583, 584 and 590.2), which relate to the Sex Offenders Registration Act; deleting applicable date for registration requirements; exempting persons from registration requirements under certain circumstances; making registration requirements applicable to certain juvenile offenders; modifying certain definition; modifying eligibility requirements for petitioning the court to lower level designation and remove registration requirements; providing eligibility requirements for juvenile and youthful offenders to petition the court to lower level designation and remove registration requirements; modifying notification requirements; requiring collection and transmission of palm prints; modifying criteria for petitioning removal from registration requirements; modifying requirements for maintenance of certain files; requiring that information be made available to certain agencies; repealing 10 O.S. 2001, Sections 7308-1.4, as last amended by Section 104, Chapter 234, O.S.L. 2009, as renumbered by Section 191, Chapter 234, O.S.L. 2009, 7308-1.7, 7308-1.10, 7308-1.11 and 7308-1.13, as renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2010, Sections 2-8-104, 2-8-106, 2-8-109, 2-8-110 and 2-8-112), which relate to the Juvenile Sex Offender Registration Act; providing an effective date; and declaring an emergency.

**HB 1354** – By Armes and McAffrey of the House and Johnson (Rob) of the Senate.

( intoxicating liquors - amending 37 O.S., Section 537 - prohibited acts - effective date )



**HB 1364** – By Shumate and Peters of the House and Jolley of the Senate.

An Act relating to children; amending 10 O.S. 2001, Sections 402, as amended by Section 2, Chapter 230, O.S.L. 2009, 404.1, as last amended by Section 5, Chapter 230, O.S.L. 2009, 405, as last amended by Section 1, Chapter 338, O.S.L. 2009, Section 9, Chapter 296, O.S.L. 2008 and 408 (10 O.S. Supp. 2010, Sections 402, 404.1, 405 and 405.3), which relate to the Oklahoma Child Care Facilities Licensing Act; modifying definitions; renaming the Oklahoma child care worker registry the Child Care Restricted Registry; modifying background investigation requirements and procedure; providing exceptions; directing Department of Human Services to promulgate rules for certain fingerprint requirement exceptions; removing authority for the release of certain background information; modifying certain background investigation requirements; modifying references to certain registry; modifying certain appeal deadlines; and providing an effective date.

**HB 1388** – By Roan of the House and Ivester of the Senate.

An Act relating to corrections; amending 57 O.S. 2001, Section 549.1, as last amended by Section 39, Chapter 1, O.S.L. 2007 (57 O.S. Supp. 2010, Section 549.1), which relates to the Oklahoma Corrections Act of 1967; clarifying certain purchasing requirements for products and services; amending 74 O.S. 2001, Section 85.12, as last amended by Section 2, Chapter 370, O.S.L. 2010 (74 O.S. Supp. 2010, Section 85.12), which relates to The Oklahoma Central Purchasing Act; modifying list of acquisitions of the Department of Corrections; and providing an effective date.

**HB 1391** – By Roan and Billy of the House and Brown of the Senate.

An Act relating to public safety; amending 47 O.S. 2001, Sections 2-105, as last amended by Section 1, Chapter 60, O.S.L. 2010, 2-105.6, as last amended by Section 3, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 and 2-150, as amended by Section 9, Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2010, Sections 2-105, 2-105.6 and 2-150), which relate to powers and duties of the Department of Public Safety; changing name of unit within the Oklahoma Highway Patrol Division; extending date for requiring certain qualifications for persons appointed to the Oklahoma Highway Patrol Division; deleting qualifications for reclassification requests; deleting obsolete salary schedule; modifying manner in which sidearms may be retained by retired officers; amending 47 O.S. 2001, Section 6-201, as last amended by Section 5, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2010, Section 6-201), which relates to the cancellation or denial of driving privileges; changing name of unit within the Oklahoma Highway Patrol Division; amending 63 O.S. 2001, Section 4205, which relates to the Oklahoma Vessel and Motor Registration Act; changing name of unit within the Oklahoma Highway Patrol Division; and providing an effective date.

**HB 1398** – By Wesselhoft of the House and Holt of the Senate.

An Act relating to appropriations; making appropriation to Employment Security Administration Fund; specifying amount and purpose of appropriation; requiring expenditure by certain date; requiring certain federal standards; requiring compliance with Social Security Act; and providing an effective date.

**HB 1414** – By Joyner and Blackwell of the House and Jolley of the Senate.

An Act relating to fees; amending 28 O.S. 2001, Section 152, as last amended by Section 1, Chapter 420, O.S.L. 2010 (28 O.S. Supp. 2010, Section 152), which relates to civil court fees; establishing fee to be credited to the Oklahoma court-appointed special advocates; establishing fee to be credited to the Council on Judicial Complaints Revolving Fund; creating Council on Judicial Complaints Revolving Fund; specifying type of fund; appropriating monies credited to the fund for Council purposes; providing for codification; and providing an effective date.

**HB 1415** – By Blackwell of the House and Laster of the Senate.

An Act relating to civil procedure; amending 12 O.S. 2001, Section 921.1, which relates to the Legal Services Revolving Fund; modifying agency to oversee Legal Services Revolving Fund; authorizing Attorney General to charge certain administrative fee; and providing an effective date.

**HB 1439** – By Vaughan, Ritze, Bennett, Reynolds, Kern and Trebilcock of the House and Myers of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1289.25, as amended by Section 2, Chapter 145, O.S.L. 2006 (21 O.S. Supp. 2010, Section 1289.25), which relates to the Oklahoma Firearms Act of 1971; expanding right to use deadly force; and providing an effective date.

**HB 1442** – By Faught, Reynolds, Ritze, Cockroft, Kern, Billy and Hamilton of the House and Russell of the Senate.

An Act relating to public health and safety; creating the Destructive Human Embryo Research Act; making legislative findings; establishing purpose; defining terms; prohibiting certain acts; providing penalties; providing for certain intervention in litigation; providing for codification; and providing an effective date.

**HB 1471** – By Armes of the House and Justice of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 698.4, as last amended by Section 2, Chapter 112, O.S.L. 2010 (59 O.S. Supp. 2010, Section 698.4), which relates to the State Board of Veterinary Medical Examiners; modifying composition of the Board; requiring veterinarian Board members to be nominated by fellow veterinarians; specifying veterinarian Board members to represent congressional districts; directing Governor appoint veterinarian Board members from nominations; directing lay member and registered veterinarian technician member of Board to be appointed by the Governor, subject to Senate confirmation; describing nomination and appointment processes; directing Board to promulgate additional rules for nominating Board members; allowing existing Board members to complete their terms; providing for nominations as seats become vacant; and providing an effective date.

**HB 1475** – By Armes and Ritze of the House and Barrington of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 1623, as amended by Section 2, Chapter 408, O.S.L. 2010 (68 O.S. Supp. 2010, Section 1623), which relates to fireworks; prohibiting certain cities from restricting fireworks sales;

amending 68 O.S. 2001, Section 1625, as amended by Section 4, Chapter 408, O.S.L. 2010 (68 O.S. Supp. 2010, Section 1625), which relates to fireworks license fees; increasing retail license fee; amending 68 O.S. 2001, Section 1626, which relates to apportionment of fees; providing a portion of certain fee to State Fire Marshal; amending 68 O.S. 2001, Section 1634, which relates to sales tax on fireworks; requiring sales tax be collected on sales to consumer; and requiring sales tax permit.

**HB 1488** – By Brumbaugh and Ritze of the House and Marlatt of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 1001, as last amended by Section 1, Chapter 443, O.S.L. 2010 (68 O.S. Supp. 2010, Section 1001), which relates to gross production taxes; eliminating tax on production of gold and silver; extending duration of certain incentives; and providing an effective date.

**HB 1495** – By Brumbaugh of the House and Brown of the Senate.

An Act relating to roads, bridges and ferries; amending Section 1, Chapter 444, O.S.L. 2005, as last amended by Section 1, Chapter 422, O.S.L. 2010 (69 O.S. Supp. 2010, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; increasing annual apportionment; and providing an effective date.

**HB 1507** – By Schwartz and Ritze of the House and Johnson (Rob) of the Senate.

An Act relating to motor vehicles; creating Aaron's Law; amending 47 O.S. 2001, Section 6-205, as last amended by Section 2, Chapter 333, O.S.L. 2010 (47 O.S. Supp. 2010, Section 6-205), which relates to mandatory revocation of driving privileges; making certain offenses subject to mandatory revocation; amending 47 O.S. 2001, Section 11-903, as amended by Section 1, Chapter 164, O.S.L. 2005 (47 O.S. Supp. 2010, Section 11-903), which relates to negligent homicide; modifying penalties; providing for noncodification; and providing an effective date.

**HB 1511** – By Vaughan, Key, Ritze, Terrill, Bennett, Reynolds and Roberts (Dustin) of the House and Simpson of the Senate.

An Act relating to definitions and general provisions; stating legislative intent; establishing Second Amendment Day; providing for codification; and declaring an emergency.

**HB 1550** – By Kern, Nelson and Cockroft of the House and Jolley of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 1210.508C, as last amended by Section 3, Chapter 431, O.S.L. 2005, 1210.508D, as last amended by Section 1, Chapter 387, O.S.L. 2008 and 1210.508E, as last amended by Section 2, Chapter 387, O.S.L. 2008 (70 O.S. Supp. 2010, Sections 1210.508C, 1210.508D and 1210.508E), which relate to the Reading Sufficiency Act; providing for retention of third-grade students not participating in a certain program; providing for retention of third-grade students not completing certain competencies; providing for the retention of third-grade students who score at a certain level on a certain test; requiring certain notification of parents; specifying notification; allowing exemption from mandatory retention for good cause; listing good cause criteria; adding category of students eligible for reimbursement; modifying authority

of a teacher to recommend participation in a certain summer academy or other program; and requiring retention of a student who fails to complete certain competencies.

**HB 1604** – By Stiles and Sullivan of the House and David of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1738, as last amended by Section 3, Chapter 325, O.S.L. 2010 (21 O.S. Supp. 2010, Section 1738), which relates to seizure and forfeiture of property; clarifying guidelines for seizing property; providing exception for conveyances used by common carriers or nonconsenting owners; adding circumstance in which certain property may be subject to forfeiture; providing procedures for holding forfeited property as evidence; deleting monetary limitations for revolving funds; amending Section 3, Chapter 381, O.S.L. 2002 (21 O.S. Supp. 2010, Section 2002), which relates to seizure and forfeiture actions; updating statutory reference; directing funds from revolving fund be used for certain purpose; and providing an effective date.

**HB 1615** – By Banz of the House and Sykes of the Senate.

( elections - amending various sections in Title 26 - election code - Presidential Preferential Primary - effective date )

**HB 1744** – By Nelson, Kern and Dank of the House and Anderson of the Senate.

( schools - amending 70 O.S., Section 13-101.2 - Lindsey Nicole Henry Scholarships for Student with Disabilities Program Act - public school placement option - regulatory authority )

**HB 1776** – By Roberts (Sean) and Reynolds of the House and David of the Senate.

An Act relating to state government; requiring certain candidates to file certain report; requiring Ethics Commission to make certain report available online; amending 51 O.S. 2001, Section 314, which relates to the Political Subdivisions Ethics Act; requiring certain candidates to file certain report; providing for codification; and providing an effective date.

**HB 1797** – By Tibbs of the House and Newberry of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 2-111, as last amended by Section 3, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2010, Section 2-111), which relates to Department of Public Safety records; prohibiting the duplication of certain records; making records available upon request and payment of fees; amending 47 O.S. 2001, Sections 6-106, as last amended by Section 1, Chapter 277, O.S.L. 2010, 6-117, as last amended by Section 1, Chapter 426, O.S.L. 2010 and 6-205.2, as last amended by Section 19, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2010, Sections 6-106, 6-117 and 6-205.2), which relate to driver licenses; modifying application requirements for commercial driver licenses; requiring certain applicants to submit medical examiner certification; deleting certain notification requirement; directing the Department of Public Safety to maintain certain reports and abstracts; clarifying record-keeping requirements; providing procedures for issuing motor vehicle reports; providing for the collection and deposit of fees into certain funds; authorizing motor license agents to retain certain amounts; authorizing the adoption and establishment of certain rules; stating procedures for motor vehicle report notification system; modifying and expanding scope of certain definition;

establishing disqualification time periods for violating out-of-service orders; requiring disqualification of driving privileges under certain circumstances; making certain acts unlawful; amending Section 1, Chapter 218, O.S.L. 2010 (47 O.S. Supp. 2010, Section 11-901c), which relates to unlawful use of cellular telephones; expanding scope of crime to include operators of commercial motor vehicles; amending 47 O.S. 2001, Section 12-417, as last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2010, Section 12-417), which relates to the Oklahoma Mandatory Seat Belt Use Act; clarifying seat belt use requirements; modifying definition; amending 47 O.S. 2001, Sections 14-109, as last amended by Section 1, Chapter 102, O.S.L. 2009, 14-116, as last amended by Section 1, Chapter 428, O.S.L. 2010 and Section 12, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2010, Sections 14-109, 14-116 and 14-120.2), which relate to vehicle size, weight and load limitations; clarifying utility and refuse collection exception; providing cancellation or revision fee for certain permits; directing deposit of fee into certain revolving fund; updating statutory reference; requiring Oklahoma Highway Patrol to provide superload escorts; defining term; stating fee for escort; amending 47 O.S. 2001, Section 230.6, as last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2010, Section 230.6), which relates to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; clarifying scope of certain prohibited acts; increasing amount of administrative penalties; providing for codification; and providing an effective date.

**HB 1831** – By Mulready of the House and Aldridge of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 858-702 and 858-703, as amended by Sections 1 and 2, Chapter 165, O.S.L. 2006, 858-705.1, 858-706, 858-708, 858-709, 858-711, 858-712, as amended by Sections 4, 5, 7 and 8, Chapter 165, O.S.L. 2006, 858-713, 858-714, 858-715, 858-722, 858-723, 858-724, 858-725, 858-726 and 858-732, as amended by Sections 10, 11, 12, 13, 14 and 15, Chapter 165, O.S.L. 2006 (59 O.S. Supp. 2010, Sections 858-702, 858-703, 858-708, 858-709, 858-711, 858-712, 858-722, 858-723, 858-724, 858-725, 858-726 and 858-732), which relate to the Oklahoma Certified Real Estate Appraisers Act; modifying application of act; modifying definitions; modifying duties of chairperson; modifying powers and duties of the board; modifying federal registry fee; modifying application for temporary permit; modifying requirements for original certification; modifying examination for certification; modifying minimum experience requirements; modifying applications of nonresidents; modifying continuing education requirements; modifying penalties; expanding scope of certain notice; modifying procedure and venue for review of final order; modifying scope of certain standards; stating legislative intent; modifying code of ethics; and providing an effective date.

**HB 2128** – By Steele, Mulready, Faught and Sullivan of the House and Sykes of the Senate.

An Act relating to damages; amending Section 24, Chapter 228, O.S.L. 2009 (23 O.S. Supp. 2010, Section 61.2), which relates to limitations on damages for bodily injury; modifying recovery limitation on certain noneconomic damages; modifying definitions; eliminating establishment of a Health Care Indemnity Fund; providing scope of application; and providing an effective date.

**HJR 1002** – By Dank, Reynolds, Ritze and Kern of the House and Reynolds and Holt of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 8B of Article X of the Constitution of the State of Oklahoma; modifying limitation on valuation increases; providing ballot title; and directing filing.

**HJR 1020** – By Banz of the House and Aldridge of the Senate.

A Joint Resolution calling a Constitutional Convention to alter, revise, or amend the present Constitution of the State of Oklahoma or to propose a new Constitution; fixing the time and place thereof; providing for selection of delegates to the Convention; providing requirements and restrictions for eligibility; creating a Constitutional Convention Commission; stating purpose; providing for composition; providing for election of officers and organization of the Constitutional Convention; providing for employment of staff; providing for rules of procedure; prohibiting consideration of certain provisions of the Constitution; providing for working draft to be considered by the Constitutional Convention; providing voting requirements for certain actions; providing for compensation of delegates; providing for payment of expenses of the Convention; providing for submission of constitutional changes to the voters of the state; providing for submission of this joint resolution to a vote of the people; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 22, 2011, at 1:30 p.m., which motion prevailed.

## **SECOND READING**

The following were read for the second time and referred to committee as indicated:

- HB 1015** – General Government
- HB 1026** – General Government
- HB 1047** – General Government
- HB 1267** – Appropriations
- HB 1275** – Health and Human Services
- HB 1311** – Business and Commerce
- HB 1321** – Finance
- HB 1348** – Tourism and Wildlife
- HB 1361** – Judiciary
- HB 1418** – Education
- HB 1446** – Judiciary
- HB 1462** – Business and Commerce
- HB 1464** – Finance

**HB 1465** – Education  
**HB 1472** – Agriculture and Rural Development  
**HB 1512** – Appropriations  
**HB 1514** – Appropriations  
**HB 1520** – Judiciary  
**HB 1555** – Veterans and Military Affairs and Appropriations  
**HB 1564** – Judiciary  
**HB 1595** – Public Safety  
**HB 1614** – Rules  
**HB 1638** – Health and Human Services  
**HB 1652** – Public Safety  
**HB 1655** – Appropriations  
**HB 1658** – Health and Human Services  
**HB 1685** – General Government  
**HB 1686** – Transportation  
**HB 1688** – Business and Commerce  
**HB 1743** – Business and Commerce  
**HB 1814** – Appropriations  
**HB 1888** – Health and Human Services  
**HB 1969** – Retirement and Insurance  
**HB 2017** – Appropriations  
**HB 2049** – Transportation  
**HB 2115** – Education and Appropriations  
**HB 2116** – Education and Appropriations  
**HB 2117** – Finance  
**HJR 1001** – Finance

#### **MESSAGE FROM THE GOVERNOR**

Advising her approval March 18, 2011, of Enrolled **SBs 553** and **970**.

Pursuant to the Schulz motion, the Senate adjourned at 1:55 p.m. to meet Tuesday, March 22, 2011, at 1:30 p.m.

#### **JOURNAL CORRECTIONS**

Page 320, Line 1, **SJR 16**, insert after the word affairs: “, coauthored by Johnson (Constance) of the Senate”

Page 685, Line 16, **SB 891**, insert: “Senator Ford asked to coauthor **SB 891**, which was the order.”